

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 07-982(DSD/RLE)

William Richard Iverson,  
  
Petitioner,

v.

**ORDER**

State of Minnesota, Warden  
Jessica Symmes, sued as  
Jessica Symmea,

Respondents.

This matter is before the court on petitioner William Richard Iverson's pro se application for a certificate of appealability on the issue of Due Process that he raised in his 28 U.S.C. § 2254 petition.

On November 27, 2007, the court adopted the report and recommendation of the magistrate judge and denied ground one of the petitioner's § 2254 petition. Upon a review of the file and record in this case, the court finds that petitioner has not made a "substantial showing of the denial of a constitutional right" as required by 28 U.S.C. § 2253(c)(2). See Slack v. McDaniel, 529 U.S. 473, 483-84 (2000) (substantial showing requires a debate upon which reasonable jurists could differ as to the resolution of the issues). Accordingly, it will not grant petitioner a certificate of appealability.

Petitioner also requests clarification of the court's November 27, 2007, order instructing the parties to further brief the merits

of petitioner's second ground for relief. In that second ground for relief, petitioner claims that he was unlawfully committed to the Mental Health Unit of the Minnesota Correctional Facility in Oak Park Heights and forcibly medicated against his will. Because petitioner had yet to exhaust his state court remedies at the time he filed his petition for § 2254 relief, respondents did not address the merits of his claims. However, while this federal matter was pending, the Minnesota Court of Appeals and Minnesota Supreme Court each denied petitioner's appeals, rendering his state court remedies exhausted. In recognition of this, the court reserved judgment on petitioner's unlawful commitment and forcible medication claims to allow for further briefing on the merits.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Petitioner's application for a certificate of appealability [Doc. No. 30] is denied.

2. Respondent shall file a brief addressing the merits of petitioner's unlawful commitment and forcible medication claims by Friday, January 18, 2008. Petitioner shall respond to this brief by Friday, February 1, 2008. Upon receiving this further briefing, the court will address petitioner's remaining claims.

Dated: December 19, 2007

s/David S. Doty  
David S. Doty, Judge  
United States District Court